

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**IN RE:** : **CHAPTER 13 PROCEEDINGS**  
**LEROY N. BUTLER** : **CASE NO: 17-60436**  
 : **JUDGE RUSS KENDIG**  
**DEBTOR(S)** : **MOTION TO DISMISS**

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**Now comes the Chapter 13 Trustee, Toby L. Rosen,** and declares under penalty of perjury:

1. The Debtor(s) filed a petition for relief under Chapter 13 on 03/07/2017.
2. The Debtor(s) is/are required to submit to the Trustee copies of Federal and State tax return(s) for each tax year while the Chapter 13 is pending at the request of the Trustee pursuant to 11 U.S.C. §521(f).
3. The Trustee has previously made such request, and the Debtor(s) failed to provide the Trustee with copies of 2017 Federal and State tax return(s).

**Therefore,** the Trustee requests the above case be dismissed pursuant to the 11 U.S.C. § 1307(c).

**/s/ Toby L. Rosen**

Toby L. Rosen, Chapter 13 Trustee  
400 West Tuscarawas St, 4<sup>th</sup> Floor  
Canton, OH 44702  
330-455-2222

**CERTIFICATE OF SERVICE**

I hereby certify that on May 24, 2018, a true and correct copy of the MOTION was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

REBECCA K HOCKENBERRY, on behalf of LEROY N. BUTLER, at  
rebecca@alhatterneys.com

And by regular U.S. Mail, postage prepaid, on:

LEROY N. BUTLER  
204 HELEN AVENUE  
MANSFIELD, OH 44903

/s/Toby L. Rosen  
Toby L. Rosen, Chapter 13 Trustee

**NOTICE OF MOTION TO DISMISS CASE**

**TOBY L. ROSEN, the Standing Chapter 13 Trustee**, has filed papers with the Court to have this bankruptcy case dismissed.

**Your rights may be affected. You should read these papers carefully to discuss them with your attorney, if you have one, in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to dismiss this bankruptcy case, or if you want the court to consider your views on the motion to dismiss this case, then on or before **JUNE 14, 2018**, you or your attorney must file with the Court an objection to the motion to dismiss at:

Clerk of Court  
United States Bankruptcy Court  
Ralph Regula Federal Building  
401 McKinley Ave S.W.  
Canton, OH 44702

If you mail your objection to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also send a copy to:

Toby L. Rosen, Chapter 13 Trustee  
400 Tuscarawas Street, 4<sup>th</sup> Floor  
Canton, Ohio 44702

You must also attend a hearing on the motion to dismiss this case on **JULY 18, 2018 at 1:30 PM** at:

United States Bankruptcy Court  
Ralph Regula Federal Building  
401 McKinley Ave, S.W.  
Canton, OH 44702

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: May 24, 2018

/S/ Toby L. Rosen  
Toby L. Rosen, Chapter 13 Trustee  
400 Tuscarawas Street, 4<sup>th</sup> Floor  
Canton, Ohio 44702